

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

Case No. 2:23-cv-01495-JHC

**DECLARATION OF KEVIN M.
HODGES IN SUPPORT OF
DEFENDANT’S SUPPLEMENTAL
BRIEF CONCERNING DEPOSITION
LIMITS**

I, Kevin M. Hodges, declare as follows:

1. I am a partner at Williams & Connolly LLP, counsel to Defendant Amazon.com, Inc. (“Amazon”) in this matter and in *California v. Amazon*, No. CGC-22-601826 (Cal. Superior Court, San Francisco County) (the “California Action”). I am over eighteen years of age and am competent to testify herein. I make the following statements based on my personal knowledge.

2. The issues raised in the California Action overlap with the issues raised in this action.

3. Prior to filing this action, the Federal Trade Commission (“FTC”) and certain States conducted an investigation that included issues raised in the Complaint in this action. During that investigation, the FTC and the participating States took the sworn testimony of 29 witnesses who were then-employed or formerly employed by Amazon (“Amazon witnesses”).

4. Prior to filing the California Action, the California Attorney General's Office conducted an investigation that included issues raised in the Complaint in the California Action. During that investigation, the California Attorney General's Office took the sworn testimony of 29 Amazon witnesses. Some witnesses also testified an additional time on particular subjects, and so the total number of sworn investigational interviews of Amazon witnesses was 35. Some of the sworn investigational interviews occurred over multiple days, and in total the California investigation involved 50 days of sworn testimony of Amazon witnesses.

5. The FTC attended all of the California investigational interviews of the Amazon witnesses. One or more of the Plaintiff States also attended most of the California investigational interviews. At these investigational interviews of Amazon witnesses, the FTC and Plaintiff States in attendance were offered the opportunity to question the witnesses.

6. During the pre-filing investigation conducted by the FTC and certain Plaintiff States, Amazon produced approximately 1.7 million documents, totaling nearly 10 million pages and more than 130 terabytes of data, and Amazon provided approximately 130 pages of written responses to 21 interrogatories (not counting subparts).

7. In the California Action, discovery of third-party witnesses has required a significant amount of time in negotiating the responses to document subpoenas and coordinating deposition dates. To date, seven third-party depositions have been conducted.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 16, 2023 in Washington, D.C.

s/ Kevin M. Hodges
Kevin M. Hodges